

**TOBACCO EDUCATION AND RESEARCH OVERSIGHT COMMITTEE**  
**Regular Meeting Minutes**

**May 2, 2000**

**Holiday Inn, Oakland Airport**  
**500 Hegenberger Road**  
**Oakland, CA 94621**

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**MEMBERS PRESENT:**

Jennie R. Cook, Chairperson  
Lourdes Baézconde-Garbanati, Ph.D.  
David M. Burns, M.D.  
Gus T. Dalis, Ed.D.  
Thomas Paton  
Kenneth A. Wesson

**MEMBERS ABSENT:**

Dorothy Rice  
George W. Rutherford, M.D., M.P.H.

**VACANCIES/(Appointing Authority):**

Health Care Employees Representative  
(Senate Rules Committee)  
Volunteer Health Organization Representative  
(Speaker of the Assembly)  
Local Health Department Representative  
(Governor)  
Target Population Group Representative  
(Governor)  
Department of Health Services Representative  
(Governor)

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**OTHERS IN ATTENDANCE:**

Gregory Austin, Ph.D., WestEd/California  
Healthy Kids Survey (CHKS) Director  
Dileep G. Bal, M.D., Chief, Cancer Control  
Branch, Department of Health Services  
(DHS)  
Sheri Coburn, San Joaquin County Office of  
Education  
Karen Fosnick, San Bernardino County  
Schools  
Susanne Hildebrand-Zanki, Ph.D., Director,  
Tobacco Related Disease Research  
Program (TRDRP)  
Betty Hong, Asian Pacific Islanders  
American Health Forum / Asian Pacific  
Islander Tobacco Education Network  
(APIAHF/APITEN)

Gerald Kilbert, Ed.D., California Department  
of Education, Healthy Kids Program  
(CDE/HKP)  
Rae Kine, CDE/HKP  
Kevin Keane, American Cancer Society  
Paul Knepprath, American Lung Association  
Jon Lloyd, DHS/Tobacco Control Section  
(TCS)  
Sally Macauley, Lodi Unified School District  
Trudy Mohr, J.D., DHS/Office of Legal  
Services (OLS)  
Kenneth O'Neill, DHS/TCS  
Greg Oliva, DHS/TCS  
Bill Ruppert, DHS/TCS  
Barry Schoenfield, Asher & Partners  
Robin Shimizu, DHS/TCS  
Colleen Stevens, DHS/TCS  
Caroline Thibodeau, Manteca Unified School  
District

## **I. WELCOME AND INTRODUCTIONS**

Mrs. Jennie Cook, Chairperson, called the meeting to order at 10:30 a.m. Mrs. Cook then welcomed all attendees and asked them to introduce themselves.

## **II. APPROVAL OF MINUTES, UPDATES, ANNOUNCEMENTS, REVIEW OF CORRESPONDENCE**

**MOTION** by Mr. Thomas Paton to approve the minutes of the meeting on February 17, 2000.  
**MOTION CARRIED UNANIMOUSLY.**

Mrs. Cook discussed the L.A. Times article by Dan Morain wherein he reported about the lack of new anti-tobacco media being released by the current Administration.

Mrs. Cook also mentioned that legislatures in Florida and Texas introduced bills to limit damage awards in tobacco lawsuits. Mrs. Cook said three of the other southern states have already passed legislation of this kind.

Mrs. Cook also reported that the American Heart Association launched an ad campaign to revive Proposition 99 and the \$105 million that TEROC had recommended in the Master Plan.

Dr. Gus Dalis requested the committee review the action items from the minutes of the last meeting. There was no objection from the committee.

Mrs. Cook stated that Item 1, a letter to the American Legacy Foundation (ALF), urging them to release their ads, had been sent. She reported that ALF has since released their ads, and were buying time for them, (notably, the "Lie Detector," "Shredder 2000" and "Body Bags" ads).

As to Item 2, Mrs. Cook reported she also sent a letter to the American Cancer Society "No on 28" coalition formally stating TEROC's opposition to Proposition 28, which was soundly defeated, 72% to 28% with every county in the state voting "No" on it.

Mrs. Cook continued with Action Item 3, which she said had been satisfied at the last meeting, when Dr. Bal presented the committee with a fact sheet showing the amount of money spent on Tobacco Control over the last 10 years. In passing, Mrs. Cook stated that the Master Plan has become the "bible" of the anti-tobacco community and that she has personally distributed 20-30 copies, in and outside the U.S. She also requested more copies.

Item 4, which allowed that TEROC be provided with a "timeline" for the media campaign approval process, generated some discussion. Mrs. Cook began by saying Diana Bontá, the newly confirmed Director of Health Services, assured her she would streamline the process.

Dr. Dalis acknowledged that the Department of Health Services (DHS) Tobacco Control Section (TCS) provided a recounting of the history of the current media campaign, but he asserted that TEROC requested a timeline of the *generic* process by which media is approved.

Ms. Colleen Stevens offered that there is an official DHS procedure, but wondered if it would still be useful to the committee, in light of the Director's recent assurances to eliminate some of the steps. Dr. Dalis said that until the process was, in fact, revised, TEROC still needed to know the current state of affairs if TEROC was going to perform its oversight duties. He requested that TEROC be provided a copy of that policy and Ms. Stevens agreed to provide it.

Mrs. Cook asked what the total length of time anticipated by the DHS policy was and Ms. Stevens responded it was about eight (8) weeks. Dr. Bal offered that what Ms. Stevens was reporting was the *de jure* gestation period, but that the *de facto* period was obviously much longer. Dr. Bal also suggested that Ms. Stevens would be reporting on the media campaign in detail during her report to TEROC, and requested that the committee hold off questions until after her presentation. Mrs. Cook replied that was amenable.

As to Item 5, Mrs. Cook reported that she sent a letter to the Honorable Steve Peace, chairperson of the Senate Budget and Fiscal Review Committee, repeating TEROC's recommendation about the \$105 million from the Master Settlement Agreement and requesting multi-year authority. She said she has not received any response from the Senator.

Item 6, which reported that Mr. Lloyd's report on bidis should be sent to the Department of Education, was accepted as completed. Dr. Dalis commented that it was very helpful and that the Department was able to send it out to the districts on the same day they received it. He also said that he had received about 15-20 email messages from the superintendents showing appreciation for the report and saying they would send a copy of the report to their principals.

Item 7, which reported a request that hardcopies of the surveillance and evaluation activity chart be provided to the Committee members was also favorably dispatched. Mr. Ruppert reported that a copy of the chart was attached to the TCS Report to TEROC.

Dr. Dalis, referring to page 6 of the minutes, asked for the status of the American Lung Association's "Thumbs Up!/Thumbs Down!" campaign. Mrs. Cook pointed out that the results were made public and that Mr. Tom Paton had received a copy of the report. As Mr. Paton was the only member to receive the report, Mrs. Cook asked Ms. Stevens if she could provide copies to the other members. Ms. Stevens agreed to distribute copies of the "Thumbs Up!/Thumbs Down!" report to the Committee members.

Dr. Dalis, referring to page 8 of the minutes and the discussion about the cost savings of tobacco control, shared a brochure produced by Los Angeles County claiming a cost savings of 10 to 1, with an expenditure of \$700,000 in tobacco control and over \$7 million in medical savings. Dr. Dalis suggested that these statistics should be trumpeted in front of the public at every opportunity.

Mrs. Cook responded that she has used them in her work with editorial boards and in debates at Berkeley. Dr. Bal added that DHS uses them in nearly every presentation they give. Dr. Dalis acknowledged this contribution, but was mindful these presentations were generally given to professional bodies and not to the general public. He was not sure what the forum for that publicity would be, but suspected there was one and TEROC (and others) needed to exploit it.

***ACTION ITEM 1: Provide TEROC members with a copy of the Department of Health Services policy and procedure on approval of media and advertising.***

***ACTION ITEM 2: Provide TEROC members with a copy of the “Thumbs Up!/Thumbs Down!” report.***

### **III. REPORTS**

#### **A. DHS TOBACCO CONTROL SECTION (TCS)**

Dr. Dileep Bal reported that the Local Programs Unit had a new procurement where only about 15% of the grant applications submitted were funded. He suggested that this demonstrated there is a lot more need out there than there are funds.

Dr. Bal said the Media Unit report would be presented by Ms. Stevens later in the agenda. Ms. Stevens offered to amend her written report by explaining that the “administration” referred to in the last date of the timeline in the report, March 23, 2000, was not the Governor’s office or even the Director’s, but referred to the date it was submitted to the TCS administration. The actual date the media was presented to the *Director’s* office was April 18.

Dr. Bal said this type of confusion was a good example of the difficulty involved in preparing a *de facto* version of the timeline for the Media approval process. Dr. Burns said it was a good example of why TEROC needs a defined timeline if the committee was going to perform its oversight responsibilities. Dr. Burns acknowledged that TEROC may not have the power to change things, but by identifying where the difficulties lie, TEROC allows the people, who do have the power, to focus on them. Dr. Bal said that any control TCS has over the media campaign is lost once it leaves the branch. He assured the committee that Dr. Lyman approves the media almost immediately upon receipt.

Dr. Bal then submitted the report on evaluation, announced that Mr. Bill Ruppert had scheduled a supplemental presentation later in the meeting, and then invited questions from the committee. Mrs. Cook polled the committee for questions, and finding none, thanked Dr. Bal for his time.

#### **B. CALIFORNIA DEPARTMENT OF EDUCATION (CDE)**

Dr. Kilbert reported that CDE had completed their Competitive Grant process, and that 10%-20% were not funded. Two (2) of the unfunded applicants had appealed the decision.

Dr. Kilbert stated that CDE was establishing a database using the annual program reports to track results and progress as measured against the performance indicators. Districts must set a goal or performance indicator, which is an estimate of how much they think they are going to reduce tobacco use. The districts must also indicate what kind of instructional strategies and materials they are using. For the first time, CDE is gathering enough data to indicate the impact of the program and whether or not it is being effective. However, baseline data is only now being collected and with the Healthy Kids Survey, Dr. Kilbert said that it will be two years before any progress will be discernable.

Dr. Lourdes Baezconde-Garbanati asked if the competitive grant process was working, and if there was a pattern of certain districts that were getting the grants.

Dr. Kilbert responded that CDE is seeing a movement away from the small rural communities toward the large urban and suburban areas or in some cases where there is some relationship between the grant writer and the school district. Dr. Kilbert explained that some grant writers who have an interest in the tobacco issues, volunteer to help a school write the proposal. He said many of the smaller schools do not apply because they do not have the time to submit grant applications. He said that most of the larger schools apply because they are competing for larger sums of money and they have enough staff to develop an application.

Dr. Kilbert reported that there are two bills in Congress, to amend the Safe and Drug Free Schools Act. One of them requires a 100% competitive process. Many of the smaller districts have told their representatives that if it passes, it will be impossible for them to deal with it and, they claim, they will be out of the Tobacco Use Prevention Education (TUPE) money and out of the federal drug and safety money.

Dr. Kilbert commented that CDE requires a lot of work on the part of the districts, such as setting performance indicators, administering the CHKS, measuring progress, and being open to coordinating compliance reviews. Dr. Kilbert added that the districts are under pressure to score well on the Academic Performance Indicator (API) and there is tremendous effort to raise the academic scores of the students. Dr. Kilbert noted that some schools have rejected even entitlement money because it is not enough to cover the work that they have to do.

Dr. Dalis said he has gotten a lot of email from public schools, county offices, and school districts across the state expressing dissatisfaction with TEROC's recommendations regarding TUPE funding, especially the increase in the amount of TUPE funds that would have to be distributed competitively (as opposed to entitlement). He said he encouraged the districts to talk to their legislators about it. He stated that a number of them have already indicated they will be at the next TEROC meeting in Los Angeles.

Dr. Burns said that the committee favored the competitive process because it would serve to give the money to people who demonstrated a commitment to doing something through the competitive process.

Dr. Dalis said this was a misperception based on what happened in 1991-1992 when there was an “embarrassment of riches,” and they did not know how to spend the money. He said the CDE has made changes to increase accountability, such as the requirements for needs assessment, performance indicators, and program plans with measurable goals and objectives. He noted that, as accountability went up, dollars have gone down.

He also pointed out that, unlike many of the committee members, educators do not live in a culture of competitive grants. He said that the committee needs to recognize the difference between the cultures.

Dr. Burns said he understood that the schools wanted more entitlement money, but questioned if that would be responsive to the critics of entitlement and the perceived lack of accountability. He asked if there was a way to build accountability into the entitlement side of it, so smaller districts would not have to go through the competitive process. He explained that TEROC just wants to spend the money effectively.

Mrs. Cook observed that the committee had already produced a document with its recommendation. She suggested that TEROC could reconsider the issue later if it comes up in proposed legislation, but that it cannot change its recommendation now. She added that if the legislature can be convinced to invest \$105 million from the settlement money, the money for the schools will go up and maybe the whole process could be replaced with a better one.

### **C. UNIVERSITY OF CALIFORNIA, TOBACCO-RELATED DISEASE RESEARCH PROGRAM (TRDRP)**

Dr. Susanne Hildebrand-Zanki presented the TRDRP report and provided members of the committee with a copy their Research Summary, which covers the research that was funded over the last 10 years. She also presented the latest issue of their newsletter, “Burning Issues.” She also said that the Annual TRDRP Report to the legislature will be out in a week or two.

Dr. Hildebrand-Zanki reported that they are now reviewing grant proposals. She said that they will have results as to what will be funded in time for the next TEROC meeting.

There were 9-12 applications for the School Academic Research Application (SARA) grants, which are co-funded by CDE. She commented that this was promising, considering that this was the first time around for this type of grant.

She also reported that the original 2000/01 budget was \$27.451 million, but the May revise may bring it down by 1.2 million because Proposition 99 revenues are dropping faster than anticipated.

She announced that TRDRP will have an Exhibit Booth at the World Conference in Chicago, August 6-11, where they are expecting 3,300 tobacco control advocates. She also reported that

TRDRP sponsored a supplement for *Tobacco Control*, an international journal published in Britain, that will come out in June.

#### **IV. LEGISLATION AND BUDGET ACTIVITY**

##### **A. LEGISLATIVE ACTIVITY**

Mr. Paul Knepprath, from the Government Relations Office of the American Lung Association of California, provided the committee with a 2-page listing of current legislation. Mr. Knepprath said that legislatively, there seems to be an uncoordinated “catch-as-catch can” approach to tobacco control policy. He also suggested that some members of the legislature were uncomfortable with the continued assault on the tobacco industry.

There is nothing on the front burner for a major policy issue that people want to take on. The closest bill that comes to that is Senate Bill (SB) 1510, Senator Escutia’s bill. It would have prohibited the self-service sale of cigarettes, internet sales, and sales from the remaining vending machines, but it failed in committee on April 4. He noted that the committee is chaired by the author of the bill and suggested that failure to get it out of the committee was not a good sign.

Mrs. Cook asked for an update on bidi cigarettes. Mr. Knepprath responded that Assembly Bill (AB) 2426, which was introduced by Assemblymember Wesson to ban bidis, has since been amended because he did not have the votes to get it out of committee. The new version does not ban bidis. It simply brings them under the umbrella of cigarettes (where they are already) and imposes size and number restrictions on their sale.

He reported there was nothing new on smoke-free bars, and that AB 1159 introduced by Assemblymember Granlund, which would have required the Board of Equalization to report on the economic impact of smoke-free bars, died in committee.

He reported AB 107, introduced by Assemblymember Knox but carried by Assemblymember Angelides, prohibits new investments in tobacco companies by the California State Teachers’ Retirement System (CSTRS) and Public Employees’ Retirement System (PERS). He commented that this will probably play out at the CSTRS and PERS board level, first, and if nothing happens there, then this bill will probably be run. It is currently in a Senate Committee.

He reported there are two settlement bills, AB 2171, introduced by Assemblymember Flores and AB 2751, introduced by Assemblymember Knox. AB 2171 would provide a huge amount of money to CDE to provide for school nursing. The Knox bill would create the Tobacco Settlement Fund as a repository for the State’s share of all funds received from the tobacco litigation Master Settlement Agreement (MSA) of 1998. The bill provides that moneys in the Tobacco Settlement Fund shall be used to expand health and health care services.

AB 2582, introduced by Assemblymember Ackerman, would have banned punitive damages awards against companies that met certain tests for their products. This would include tobacco companies and he recommended that the opposition frame it as a tobacco bill.

Dr. Burns asked if internet sales of tobacco were being regulated. Mr. Knepprath said he believed it was not addressed in the MSA and there was still no tax on internet sales, but it was still illegal to sell to minors. Dr. Burns suggested the Attorney General (AG) should be pursuing violations of this. Dr. Gregory Austin added that the Board Of Equalization (BOE) is pursuing the sales tax issues. Mr. Lloyd added that certain commercial carriers, such as United Parcel Service (UPS), have voluntary policies restricting the transport of tobacco products.

## B. BUDGET ISSUES

Mr. Knepprath reported on the issue of budget rollover and the media budget. Dr. Kilbert asked if there was any way to include TRDRP and CDE in the budget rollover authority. Mr. Knepprath responded that these issues went before the Senate Budget and Fiscal Review Subcommittee on Health and Human Services, which does not have jurisdiction over education dollars. He continued that that would have to be pursued in the subcommittee that does the education budget. Dr. Kilbert said this was not in the Education Code; it was all in the Health and Safety Code. Mr. Knepprath said when he raised the issue of the Education budget, he was told this was not going to be addressed in that subcommittee.

Mr. Knepprath reported that the Senate Budget and Fiscal Review Subcommittee on Health and Human Services adopted language to address issues surrounding the approval process for new anti-tobacco media.

He also reported that the Americans for Non-Smokers' Rights (ANR) II litigation funds have been released and \$12 million went to the Health Education Account, this year, and the other \$20 million will be released in the next two years.

Mrs. Cook asked about the status of the budget excess of \$7 billion and the settlement money. Mr. Knepprath responded that the administration's perspective is that settlement payments are existing dollars that are just going into the General Fund. The Administration says that it is planning to allocate those funds for health care purposes and for anti-tobacco spending, and can identify \$10-11 million in their existing budget that they have already proposed.

Mr. Knepprath suggested TEROC send a letter, before the May revise, to the Governor, restating the committee's position on the settlement monies. Mrs. Cook said TEROC already sent a letter to Senator Steve Peace. Mr. Knepprath suggested that a letter should be sent to the Governor. He commented that the American Lung Association (ALA) found letters to appropriate legislative bodies were very helpful.

**MOTION** by Dr. Burns to send a letter to the Governor, requesting settlement money be allocated according to recommendations in the Master Plan along with budget rollover authority.  
**MOTION CARRIED UNANIMOUSLY.**



***ACTION ITEM 3: Send a letter to the Governor, requesting settlement money be allocated according to recommendations in the Master Plan along with budget roll-over authority.***

**V. MEDIA STATUS AND FOLLOW UP ON APPROVAL PROCESS AND APPROVAL PROCESS TIMELINES**

Ms. Colleen Stevens reported that the Media Request For Proposals (RFP) will be advertised on May 8. Ms. Stevens said that, last year, there were two RFPs: one for public relations, where Rogers and Associates was the successful bidder on that contract. and the second one was for advertising, for which neither applicant's proposal was found acceptable. She said TCS was going back to bid, again, and is conducting an aggressive outreach to get new agencies to apply.

Ms. Stevens reported there have been some changes in the process. First, the process was streamlined to make it more compatible with the way private sector organizations recruit and find advertising agencies. She added the conflict of interest requirement was also revised.

The old policy strictly requiring that the agency have no past or present business with tobacco companies turned out to be not in the best interests of the state. She explained that now large holding companies control most ad agencies. When TCS looked at who was still available to apply for the RFP, none of the good agencies were eligible. Under the old policy, if you worked for a company that sold Oscar Meyer™ Wieners in London you were not eligible. Any contact at all disqualified you. The new conflict of interest policy still precludes any agency that has a direct conflict from applying, but now the degree of the conflict and the existence of systems that prevent the exchange of information to the tobacco companies are also taken into account.

The other change to the RFP is that once the prime agency is hired, that agency will be expected to interview the best ethnic agencies and recommend them to us. Then, there will be a separate review process to contract with them. Before this change, a good agency might not have applied because they were not able to contract with an ethnic agency -- not for lack of trying, but because none were available, as they were all contracted to other agencies.

Ms. Stevens reported that all three Governor's Action Requests (GARS) to release the media have been approved. She presented a series of television ads to the committee, including, "Julie's Dad," "Zach and Brian," "Asian Market," "Now, My Dad Can't Tell Me Anything," "Up in Smoke (the future of your children)," and "Your Children Learn from Example." Ms. Stevens also played two radio ads, "Second Hand Smoke" and "Not in My House." Ms. Stevens acknowledged that all of these ads were in English, but there were other versions produced in different languages. There will be three new Spanish language ads, with print ads to match them. There is one Asian ad, with a radio and print ad, as well.

Ms. Stevens said they would be aired sometime in mid-May. Ms. Stevens added that the problem with producing new ads had nothing to do with the administration, it was that the Screen Actors Guild (SAG) went on strike. Everything is on hold until that is settled.

Ms. Stevens announced that they have been able to find another “Debi” (The Voice Box Lady), through a speech pathologist who works with people who have had this operation.

Dr. Baezconde-Garbanati asked about the “slave ad.” Ms. Stevens said the billboard may go up in certain neighborhoods. The TV ad is on hold, partially because of the results of focus group tests indicating that, if African Americans are talking to other African Americans about nicotine addiction being like enslavement, it is okay, but if it is the State of California saying the same thing, it is not okay.

Ms. Stevens said the Department is looking at other options to make the ad available. She said, if they cannot air it, it might be offered to Center for Disease Control (CDC) (or some other agency) to release it.

Mr. Paton asked if there was a list of magazines that refused anti-tobacco ads. Colleen said there was not a list, per se, but she said Time-Warner magazines, like Sports Illustrated, People, and Time, refused our ads at one time or another.

## **VI. UPDATE ON PROGRAM EVALUATION**

TEROC had previously asked for information on the status of the Wave 2 report of the Independent Evaluation being conducted by the Gallup Organization. Mr. Ruppert informed the committee that the report on Wave 2 of the Independent Evaluation had been received by the Department and that it had not yet been approved for release. He stated that this is an interim report and that the important one will be the final report which will analyze the results of all three waves of data collection and should be out in the late Fall or Winter.

Mr. Ruppert also reported that TCS had been working with Dr. Lloyd Johnston of the University of Michigan to extract California data from the Monitoring The Future (MTF) survey results. The MTF is an annual, classroom-administered survey that has monitored 12<sup>th</sup> graders for about 30 years and began surveying 8<sup>th</sup> and 10<sup>th</sup> graders in 1991. He also pointed out the MTF survey is always taken at the early part of the calendar year, so the 1999 data reflects only the early part of 1999.

He reported that for the period 1996 to 1999, the MTF revealed a 45% drop in 30-day smoking prevalence rate for California 8<sup>th</sup> graders compared a 15% decrease for the rest of the nation. In 1999, the 8<sup>th</sup> grade smoking prevalence for California was about 7.5% compared to 18% for the rest of the nation. He pointed out that the data for the rest of the nation included Massachusetts and Florida, which was reporting great success with this age group over the last couple of years.

The prevalence of smoking among California 12<sup>th</sup> graders dropped 13% from 1997 to 1999, compared to a 5% decrease for the rest of the nation. Results for 10<sup>th</sup> graders over the same time period showed a 16% decline for California, a rate similar to the rest of the United States. Prevalence rates were about the same for both sexes. Prevalence rates were highest among

whites and lowest among black youth. Prevalence rates among Hispanic and Asian youth did not change significantly.

Dr. Burns observed that, according to Dr. Johnston, the gap between California and United States is widening. Mr. Wesson asked if any other states showed these results. Dr. Burns responded that California was the only state with a large enough sample to pull from the national data.

Mr. Ruppert reported that the Department's youth telephone survey for 1999 also showed significant declines in youth smoking.

Dr. Burns asked if the data tapes from the 1999 California Tobacco Survey would be available, as expected, in May. Mr. Ruppert responded that the University of California at San Diego (UCSD) had completed the field data collection and is scheduled to provide TCS with the data tape, technical report, charts and tables by the end of May. The final report is scheduled to be delivered to TCS by the end of September. When TCS receives each deliverable, it will review it and send it forward for authorization to release.

Dr. Burns commented that he would like to see the data tapes released separately from the charts and tables.

**MOTION** by Dr. Dalis to send a letter to the Director representing TEROC's position that the data tapes from the 1999 California Tobacco Survey (CTS) survey be approved within 10 days of receipt for wide spread distribution and that this approval would be ahead of and independent from any approval required for the report.

Dr. Burns said the reason for the inserting the contract language to provide the data separately from the final report was to make the data available early without the wait for release of the formal report.

Dr. Bal stated that UCSD is contractually obligated to provide the data to the state in May, but that the contract might be interpreted to mean that it still needs to be cleared by the administration. The argument might be proffered that premature release of the tape might compromise the report.

Dr. Burns stated that was not the expectation that was conveyed to the committee at the time the contract was let. He would like to be certain that they take every opportunity to let people know how important that expectation is and the need to meet those deadlines. He said that his concern was that the report will not be approved for several months, pushing the release of the data nine months to a year after their production, by which time, the information will be dated and no one will care, or worse, people will speculate that the information is being suppressed.

Dr. Bal stated that TCS would push the approval process.

**AMENDMENT TO MOTION** by Dr. Burns to send a letter to the Director representing TEROC's expectation that the data tapes from the CTS survey will be released to TRDRP within

a week to 10 days after it is available to the state, with the intent to make it as widely available as possible.

**MOTION CARRIED UNANIMOUSLY.**

In closing, Mrs. Cook announced that this will likely be Mr. Ruppert's last TEROC meeting as he will be retiring shortly, and June 9 will be his last day at work. She thanked him for his important contribution to the work of the Committee over the years and wished him well in his retirement.

**ACTION ITEM 4:** *Send a letter to the Director representing TEROC's expectation that the data tapes from the CTS survey will be released to TRDRP within a week to 10 days after it is available to the state, with the intent to make it as widely available as possible.*

**VII. MASTER SETTLEMENT AGREEMENT (MSA) COMPLIANCE  
MONITORING**

Mrs. Cook announced that Mr. Dennis Eckhart was unable to attend this meeting and his presentation would have to be tabled for another time.

**ACTION ITEM 5:** *Reschedule the MSA Compliance Monitoring report.*

**VIII. SCHOOLS SURVEILLANCE/EVALUATION BY DEPARTMENT OF  
EDUCATION (CDE).**

Ms. Rae Kine introduced Dr. Gregory Austin of WestEd as the principal investigator on the contract with CDE to conduct the California Healthy Kids Survey (CHKS).

Dr. Austin provided members of the committee and audience with a folder containing materials relating to the CHKS. He described the CHKS as an anonymous, voluntary and confidential student self-report survey. He said it is a comprehensive health risk and resilience survey, with a focus on alcohol, tobacco, other drugs, (ATOD) and violence.

He stated the CDE has also provided an array of technical assistance to the districts to help them in collecting and understanding the data, including three regional technical assistance centers in Southern, Northern and Central California, linked by one toll free number. All the materials are on the website at <http://www.wested.org/hks>. In addition, there is a listserve, a discussion group, that links all the district coordinators as a means to communicate with them about the process. He invited the members to join the listserve by contacting them via email at [chks@wested.org](mailto:chks@wested.org).

The CHKS was designed to integrate the Attorney General's California Student Survey (CSS), CDC's Youth Risk Behavior Survey (YRBS) and the school portion of the Independent

Evaluation survey. Dr. Austin noted that Dr. Luanne Rohrbach of University of Southern California (USC) and an investigator in the Independent Evaluation, is on the advisory team.

Dr. Austin stated that the CSS was expanded so every item on the CHKS is on the CSS survey, for all practical purposes converting the CSS into a statewide administration of the CHKS. Dr. Austin said this is important because, at any given time, the CHKS data set is not necessarily representative of the state. He said, that it is simply a convenience sample of those districts that have decided to conduct the survey at that time. And over the course of the first 18 months it has been heavily skewed by TUPE requirements.

Dr. Burns said that the traditional definition of a smoker has been surveyed as “have you smoked in the last 30 days?” He wanted to know if there were any differences in the definitions between the new CHKS and the old CSS.

Dr. Austin replied that they have been struggling with the early results of the survey that are reporting changes in behavior that they believe is due to subtle changes in the survey items. He admitted there was a problem with the tobacco trend line.

Dr. Austin said that the 1999 was a new survey and created a new baseline for the future where the CSS and CHKS would be the same. Dr. Austin said there was one question that was deleted to save space. He said that was a mistake, and that question will be put back on the survey for the next round, but all the rest are exactly the same.

For example, he said they used to ask “lifetime, did you ever smoke?” Now they ask “lifetime, did you ever smoke: a whole cigarette, just a puff?” Dr. Austin said they have taken the opportunity, because of the integration, to improve the survey and get better data and make it more comparable with the YRBS at the national level and with the independent evaluation.

Dr. Bal noted that these changes would appear to cause comparability issues with National Youth Tobacco Survey (NYTS). Dr. Kilbert responded that CDE tried to coordinate with the NYTS but CDC did not want to discuss the changes. Dr. Bal repeated that there still appears to be no current comparability with the national dataset, nor will there be any prospective comparability with the national dataset. Dr. Kilbert responded there is comparability with the YRBS and MTF. The only survey where there is no comparability is the NYTS. Dr. Burns noted that on the question of prevalence, we do not have comparability. Dr. Kilbert said it was only one question that changed and asked Dr. Austin for clarification. Dr. Austin said the only question that changed related to prevalence. Dr. Burns pointed out that that is *the* question, it is the one that matters most and on that score we do not have comparability.

Dr. Baezconde-Garbanati asked why the question was dropped from the CHKS. Dr. Austin responded that they were under pressure to make the survey shorter, there were already more questions on tobacco use than any other single subject and there was an item that already asked how many days did you smoke. Dr. Austin said it seemed that this item was duplicative so it seemed reasonable to remove it. He said as soon as they looked at the data, they realized they made a mistake.

Dr. Austin continued that they have results for the core module back from 426 districts. Because of TUPE requirements, 70% of the respondents also administered Module B (specifically on tobacco), which is more detailed. It includes questions about other patterns of tobacco use, correlates about adult use, availability and attitudes, intent to use in the future, cessation efforts and a series of questions that relate to prevention and intervention programs. The districts that have taken the survey represent about 71% of the state enrollment, or 48 of 58 counties.

Dr. Austin stated that districts are required to survey grades 7, 9 and 11 and WestEd recommends grade 5, now that they have developed an elementary school version of the survey.

Dr. Austin stated those who use the survey are also required to have a representative sample for the district, which WestEd draws for them. The administration of the survey is done by the schools, but WestEd provides a comprehensive guidebook to the district along with individual instruction to district coordinators, school site coordinators and the teachers who have been selected. He said they sampled 900 students per grade and targeted a 70% return rate because of the written consent procedure, which posed some problems. The surveys are in English and Spanish and that the consent forms are in multiple languages.

Only about 40% of the districts met minimum student response rates and only 50% met borderline criteria. Dr. Austin said they were more successful with 7<sup>th</sup> graders than with 11<sup>th</sup> graders. Dr. Hildebrand-Zanki observed that there probably needs to be a "survey summit" to figure out the best way to administer these surveys with the least disruption to the academic schedule. Dr. Kilbert agreed and said that was what they attempted to do with the CHKS.

Dr. Austin provided aggregate data for the state. Dr. Burns observed that it is a mistake to compare this to statewide data. However, he commented that it is still powerful at the school level. Dr. Austin said they had no intention of representing this data as being representative of the state.

Dr. Kilbert said it was his understanding that the individual schools will be able to compare their own data to the state and nation.

Dr. Bal acknowledged that at the school level, the CHKS provided an excellent data set. But, he added that it would be a mistake to think that those results could be compared to prevalence rates reported for the state by CSS or MTF or to the rates for the nation as reported by MTF or NYTS. The data collected by the CHKS is not comparable to that collected by the other surveys.

Dr. Bal noted that DHS made a conscious decision not to participate in the YRBS. YRBS is not representative of California because the sample size is miniscule. Dr. Bal said DHS participated in the Behavioral Risk Factor Surveillance System (BRFSS) long before there was tobacco money. CDC will use the YTS as the gold standard for tobacco use and prevalence and for state by state comparisons, at least for the big states, such as Florida, Texas and Illinois.

Dr. Burns clarified the comparability issue by saying that we can compare districts to the state and the state to the national but we cannot compare state to state. Dr. Hildebrand-Zanki stated if CHKS is not representative of the state, you cannot compare it to the state or national. Dr. Burns

added that the AG's CSS was representative. So, only on the off years (when the CHKS is conducted) will the data be not comparable.

Dr. Hildebrand-Zanki asked about the difference between the NYTS and the YTS. Mr. Ruppert explained that the NYTS is a classroom-administered, random sample of the nation, administered by CDC and the American Legacy Foundation (ALF). The YTS is a classroom-administered, random sample of a state and administered by the state. Mrs. Cook asked what baseline the NYTS was using. Mr. Ruppert said the NYTS created their own baseline in the fall of 1999.

Dr. Kilbert iterated that the major issue is class time. He said they spend four days a year for Scholastic Achievement Test (SAT) 9, another day for CHKS and numerous research studies. and now YTS. Tobacco is not the school's main focus. Their job is to teach the kids how to read, write, and compute. Dr. Austin added that it is a huge issue because there is tremendous pressure for accountability, for academic performance and the SAT 9.

Dr. Hildebrand-Zanki asked if the data will be put on the internet. Dr. Austin replied that district data belongs to the districts. It will be up to them to disclose or not. However, he added that they will provide the data to researchers after they sign a confidentiality statement.

## **IX. OTHER BUSINESS**

Mrs. Cook acknowledged Ms. Sherri Coburn had requested some time to address the committee.

Ms. Coburn, San Joaquin County Office of Education, county-wide Drug, Alcohol and Tobacco Education (DATE) coordinator, said the school districts have met with a certain amount of resistance to surveys in schools because of the API. She said they are stressed out over accountability issues.

Ms. Coburn said their goal is to improve the effectiveness of TUPE efforts. She said half of the grant money goes to writing the proposal, and that is if they qualify for funding. Small schools can't take that gamble. Ms. Coburn said competitive grants take time and money away from the programs. It took her 10 days to write a grant proposal which was time taken away from the program itself. She assured the committee there is accountability with the entitlement money and asked TEROC to reconsider entitlements so that there will be TUPE for all kids of the state.

Mrs. Cook thanked Ms. Coburn for her time. Mrs. Cook said the process this year is still the same as last year. TEROC's recommendation to increase the competitive disbursement of funds to the schools still has to be made into law by the legislature and governor. Dr. Burns added that the question is not entitlement versus competitive grant. The question is what is the most effective use of the money to make rational public policy.

Mr. Paton requested a presentation for the progress of Thumbs Up!/Thumbs Down!

Mrs. Cook announced that Jane Henderson at the California Children and Families Commission will assign \$1 million to TCS for their hotline. Ms. Robin Shimizu added that the Commission is actually contracting directly with UCSD and the School Readiness Program.

Mrs. Cook acknowledged the presence of a new TCS staff member. Ms. Shimizu introduced Mr. Gregory Oliva who will be helping in the policy area, analyzing bills, and helping to staff TEROC. Mrs. Cook noted that there has been quite a change in TCS staff recently and requested a new roster for the TEROC committee.

Mrs. Cook confirmed the next two TEROC meeting dates and locations as:  
September 12, 2000, in Los Angeles at the Airport Hilton  
December 12, 2000, in Sacramento in the Malcolm Merrill Conference Room.

***ACTION ITEM 6: Schedule a presentation for Thumbs Up!/Thumbs Down! at next TEROC meeting.***

***ACTION ITEM 7: Provide an updated roster of TCS staff to the committee members.***

## **X. ADJOURNMENT**

Chairperson Cook adjourned the meeting at 3:15 p.m.

Respectfully submitted,

Kenneth Garrison O'Neill  
Recorder